

Senate Study Bill 1141

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to wastewater treatment and disposal for
2 subdivisions and authorizing fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1395DP 82
5 tm/je/5

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1 1 Section 1. Section 455B.172, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 11. Prior to a plat receiving final
1 4 approval from the governing body of a city or county, the
1 5 owner of the proposed subdivision shall present a wastewater
1 6 treatment and disposal plan to the county board of health for
1 7 approval. If a wastewater treatment and disposal system is
1 8 proposed that requires a permit from the department,
1 9 submission of the plan to the county board of health is not
1 10 required. If the proposed subdivision is intended to be
1 11 served by individual private sewage disposal systems or small
1 12 clusters of sewage disposal systems serving four or fewer
1 13 homes, the owner of the proposed subdivision shall submit to
1 14 the county board of health complete site evaluation
1 15 information including soils, topography, vegetation,
1 16 watershed, impacted water bodies, and any other information
1 17 required by the county board of health to evaluate the
1 18 proposed wastewater treatment and disposal plan. The county
1 19 may charge a reasonable fee for review and approval services
1 20 required pursuant to this subsection. If a wastewater
1 21 treatment and disposal plan is approved to utilize private
1 22 sewage disposal systems permitted by the county board of
1 23 health, the county shall ensure that a management entity
1 24 legally responsible for the long-term maintenance and
1 25 management of the approved system exists. The management
1 26 entity must employ or contract with a department certified
1 27 onsite wastewater inspector, as established under the onsite
1 28 wastewater time-of-transfer inspection program, to oversee the
1 29 management of the wastewater system. The management entity
1 30 may be a public corporation, an organization organized under
1 31 chapter 28E, a sanitary sewer district, a rural water
1 32 association, or a private corporation.

1 33 Sec. 2. IMPLEMENTATION OF ACT. The fees and funds
1 34 generated as a result of the enactment of this Act are
1 35 intended to cover the costs of any state mandate included in
2 1 this Act and this specification of state funding shall be
2 2 deemed to meet all the state funding-related requirements of
2 3 section 25B.2, subsection 3, and no additional state funding
2 4 shall be necessary for the full implementation of this Act by,
2 5 and enforcement of this Act against, all affected political
2 6 subdivisions.

EXPLANATION

2 7
2 8 This bill relates to wastewater treatment and disposal for
2 9 subdivisions.

2 10 The bill provides that prior to a plat receiving final
2 11 approval from the governing body of a city or county, the
2 12 owner of a proposed subdivision shall present a wastewater
2 13 treatment and disposal plan to the county board of health for
2 14 approval. Such approval is not required if a wastewater
2 15 treatment and disposal system is proposed that requires a
2 16 permit from the department of natural resources. The bill
2 17 provides that if the proposed subdivision is intended to be
2 18 served by individual private sewage disposal systems or small
2 19 clusters of sewage disposal systems serving four or fewer

2 20 homes, the owner of the proposed subdivision must submit to
2 21 the county board of health complete site evaluation
2 22 information. The bill allows a county to charge a reasonable
2 23 fee for review and approval services. The bill provides that
2 24 if a wastewater treatment and disposal plan is approved to
2 25 utilize private sewage disposal systems permitted by the
2 26 county board of health, the county must ensure that a
2 27 management entity legally responsible for the long-term
2 28 maintenance and management of the approved system exists to
2 29 oversee the management of the wastewater system.
2 30 The bill may include a state mandate as defined in Code
2 31 section 25B.3. The bill provides that fees and funds
2 32 generated in this bill are intended to cover the costs of any
2 33 state mandate included in the bill. The inclusion of this
2 34 specification of state funding is intended to reinstate the
2 35 requirement of political subdivisions to comply with any state
3 1 mandates included in the bill.
3 2 LSB 1395DP 82
3 3 tm:nh/je/5.1